

To: Jimenez, Christopher[Jimenez.Christopher@epa.gov]
From: Enck, Judith
Sent: Tue 4/28/2015 1:39:29 PM
Subject: FW: DPNR Suspends Terminix Manager's License

From: Shore, Berry
Sent: Tuesday, April 28, 2015 9:39 AM
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DPNR Suspends Terminix Manager's License

By Lynda Lohr

April 27, 2015

St. Croix Source

In a notice signed April 20, the Planning and Natural Resources Department suspended the license of Terminix manager Jose Rivera for fumigating a unit at St. John's Sirenusa condominiums with pesticide containing methyl bromide that was banned for that use. Rivera holds an applicator license issued April 8, 2014. It expires April 8, 2018.

Additionally on April 20 the department issued stop-use orders to three St. Croix pesticide companies – Oliver Exterminating, Real Tech Pest Control and W.I.C. Pest Control – for issues with a methyl bromide pesticide.

The notice suspending Rivera's license indicates that Rivera said on March 20 he fumigated the lower unit "J" at Sirenusa with a methyl bromide pesticide on March 18. March 20 was the day a vacationing Delaware family sickened by the pesticide was transported to Roy L. Schneider Hospital after members suffered seizures. They were subsequently airlifted to mainland hospitals.

Efforts to learn the current condition of family members Stephen Esmond, Theresa Devine and their two children were unsuccessful because their attorney, the Delaware-based James Maron, did not respond to an email requesting information.

Testing by the U.S. Environmental Protection Agency right after the family got sick on March 20 confirmed the presence of methyl bromide in the family's unit as well as a lower unit where the pesticide was used.

A DPNR inspection of Terminix's St. Thomas storage facility in Contant on March 23 turned up the pesticide with the methyl bromide called Meth-O-Gas. Its use is allowed only under stringent conditions for agriculture use, not in residences.

The pesticide with methyl bromide was used to rid the Sirenusa unit of powder post beetles.

In the list of reasons why DPNR may suspend a pesticide company's license, it includes a section that allows for suspension if the applicator or business used a pesticide contrary to registered label usage.

According to the notice, Rivera has the right to request a hearing on his license suspension within 15 days after the notice.

The department previously issued stop-use orders to Terminix facilities on St. Thomas and St. Croix to prevent it from continuing to use pesticide containing methyl bromide.

The April 20 stop-use orders indicate that Oliver Exterminating did not have any methyl bromide on hand but had used it in the past. Real Tech Pest Control and W.I.C. Pest Control had pesticides with methyl bromide on hand and may have not applied it in a manner consistent with the pesticide label, according to DPNR.

Earlier in its investigation, DPNR indicated that the pesticide containing methyl bromide came

from Puerto Rico.